UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,185	03/14/2001	Mitsuru Sawano	Q63490	2844

7590 06/20/2002

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER
CONE, DARIUS N

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 06/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/805,185	SAWANO, MITSURU	
	Examiner	Art Unit	
	Darius N. Cone	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7* is/are rejected.

7)☒ Claim(s) *6* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 3/14/2001 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered. Please ~~not~~ note that application # 09/639,161 is not a proper reference for an IDS, since this application is not a published document.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbera et al. (US pat # 6,364,556 B1).

With respect to claims 1, Barbera et al. teach an insertion platform or paper transport mechanism (101) structured with openings (see Fig. 2) formed in the transport mechanism with optical emitter (207) mounted on an upper arm (203) and photo-receptor (211) mounted on lower arm (205) in visual alignment with emitter (207) projecting a light beam across paper path (109) sensing a passing sheet.

With respect claims 2 and 4, Barbera et al. teach paper transport mechanism containing an opening and an optical emitter connected thereto to emit light. A fluorescent substance for coating is not needed when using an optical emitter.

With respect to claim 5, Barbera et al. teach an opening or path provided on the lower side of the paper transport mechanism for light to be emitted.

Barbera et al. does not teach optical emitter (207) located on the lower arm (205) and photo-emitter (211) located on the upper arm (203) of sensor (123). It would be obvious to have a reversal of parts, a light source (207) located on the lower side of the insertion platform, which would work equivalently to its original configuration.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barbera et al. (US pat # 6,364,556 B1) in view of Murazaki et al. (US pat # 5,859,496).

With respect to claim 4, Barbera et al. teach all the limitations as explained above in claim 1, except for using light accumulation fluorescent substance coated on a light transmission member. Murazaki et al. teach that a fluorescent substance on a light emitting member is beneficial since it provides illumination in the event of a power outage. It would be obvious to one ordinary skilled in the art to modify Barbera et al. by including a fluorescent substance on the light emitting member for the purpose of assuring illumination in the event of a power outage or the like.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barbera et al. (US pat # 6,364,556 B1) in view of Takekoshi (US pat # 6,120,199).

With respect to claim 7, Barbera et al. teach all the limitations as explained above in claim 1, except for providing a heat roller pair which heats and presses the

superimposed sheets entering from the insertion platform. Takekoshi teach a roller pair (72,71) combined in a fixing unit to heat a print medium (1). It would be obvious to one ordinary skilled in the art to provide a thermal printing apparatus as taught by Takekoshi whose properties are well known in the art of printing for heating treated sheets, ordinary plain sheets or superimposed sheets to transfer an image.

Allowable Subject Matter

3. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darius N. Cone whose telephone number is (703) 308-1061. The examiner can normally be reached on 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5841 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

DNC

June 17, 2002

ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800